

Central Intelligence Agency



Washington, D.C. 20505

16 April 1984  
OLL 84-1482/1

Mr. James M. Frey  
Assistant Director for Legislative Reference  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your request for the recommendation of the Central Intelligence Agency (CIA) concerning an Administration position on the House Government Operations Committee markup of H.R. 4620, the "Federal Telecommunication Privacy Act of 1984."

H.R. 4620 would amend the Federal Property and Administrative Services Act of 1949 (FPASA) to prohibit federal officials from monitoring or recording telephone conversations without the consent of all parties. H.R. 4620 would not affect CIA activities because the Agency is exempt from the underlying provisions of the FPASA that this bill would amend. See 40 U.S.C. § 474.

In addition to CIA's exemption from the FPASA, we note that the marked-up H.R. 4620 also contains an exemption for authorized intelligence activities. As currently drafted, H.R. 4620 provides an exception for monitoring activities conducted in accordance with the Omnibus Crime Control and Safe Streets Act of 1968, the Foreign Intelligence Surveillance Act of 1978 and "other applicable law." H.R. 4620 § 113 (b). It is our understanding from discussions with the Committee staff that the phrase "other applicable law" was added to ensure that intelligence activities undertaken pursuant to Executive Order 12333 are included within this exception.

Since the CIA is not covered by H.R. 4620, the CIA defers to other affected agencies concerning the appropriate Administration position on this legislation.

Sincerely,

[Redacted Signature Box]

Clair E. George  
Director, Office of Legislative Liaison

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